

**Virginia Migrant and Seasonal
Farmworkers Board**

and

**Interagency Migrant Worker
Policy Committee**

**Biennial
Report**

2002

**Virginia Department of Labor and Industry
13 South Thirteenth Street
Richmond, Virginia 23219**

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June 1, 2003

The Honorable Mark R. Warner
Governor of Virginia
State Capitol
Richmond, Virginia 23219

Dear Governor Warner:

We are pleased to present the combined 2000-2002 Biennial Report of the Migrant and Seasonal Farmworkers Board and the Interagency Migrant Worker Policy Committee. The members of the Board and the Committee appreciate the opportunity to serve the Commonwealth's migrant and seasonal farmworker population and its agricultural industry.

The Commonwealth has traditionally relied on some 20,000 migrant, seasonal and H-2A workers to help tend Virginia's crops each year. Many of the state's fruit, vegetable and tobacco crops are labor-intensive, and there is no feasible alternative to hand-harvesting them.

As Governor, you appoint individuals to the Migrant and Seasonal Farmworkers Board and oversee an Interagency Migrant Worker Policy Committee. The primary roles of these bodies are to review, coordinate, evaluate and address issues regarding migrant and seasonal farmworkers (MSFWs). The Board, comprised of 15 Gubernatorial appointees, meets quarterly. The Committee, made up of representatives of 16 state agencies, is chaired by the Commissioner of Labor and Industry and also meets on a quarterly basis.

In this report, you will find listings of Board and Committee members, descriptions of agency and other provider services to migrant and seasonal farmworkers, activities undertaken and issues discussed during 2001-2002, and conclusions and recommendations.

It is a pleasure to serve you in seeking to meet the needs of Virginia's migrant and seasonal farmworker population. If you have questions or need additional information, please feel free to contact us.

Kenneth E. Annis, Chairman
Migrant and Seasonal
Farmworkers Board

C. Ray Davenport, Chairman
Interagency Migrant Worker
Policy Committee

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INTRODUCTION

The Board was established by the Legislature in 1978 and, in 1987, the Legislature transferred staff support to the Department of Labor and Industry. This report provides a summary of issues addressed and activities conducted by the Board during 2001-2002.

The Board serves as an advisory body to the Governor and General Assembly on matters relating to the migrant and seasonal farmworker (MSFW) population in Virginia and provides a public forum for the sharing of information and concerns including those who employ and provide services to the farmworker population. Board members who are appointed by the Governor and approved by the General Assembly include representatives from the grower community, migrant and seasonal farmworkers, the general public, and public and private agencies.

RESPONSIBILITIES OF THE BOARD

The Board is empowered with the authority to request and receive information, assistance and cooperation from public or private agencies, boards or individuals; to disseminate information; to request, receive and enter into agreements associated with grants or funding to further its purposes; and to establish citizen panels.

Delegated to the Board are four primary responsibilities:

1. Provision of the coordination and evaluation of state and federal services and, to the degree feasible, other governmental, public and private agency services to migrant and seasonal farmworkers within the Commonwealth.
2. Identification and evaluation of the needs of migrant and seasonal farmworkers, as well as the needs of their employers.
3. Scrutiny of the problems of the target population, provision of background information, and recommendation of options for solutions. These remedies, along with an assessment of their potential impact, are to be forwarded to the General Assembly, governmental, and public and private agencies.
4. Encouragement and fostering of the development of area migrant and seasonal farmworker councils to seek problem resolution and communication at the local level.

In performance of its duties, the Board held four meetings in 2001: January 24; April 25; July 11; and October 24. In 2002, four meetings were held: January 23; April 24; July 10; and October 23.

This Biennial Report provides a summary of migrant and seasonal farm labor issues addressed and activities conducted by the Board.

ISSUES AND ACTIVITIES

Presentations and Reports to the Board

- The Director of Migrant Health Services presented the Shenandoah Valley Medical System's annual report and stressed that a major goal is to address health care concerns specific to the farmworker population.
- A Staff Attorney provided the annual report for the Virginia Farmworkers Legal Assistance Project particularly noting complaints about housing in Winchester and in some areas in Southside Virginia.
- The Minister of Consular Affairs from the U.S. Mexican Embassy discussed that his government believes immigration to be a shared responsibility with the United States. He encouraged members to contact government officials with migrant farmworker concerns. He noted that the majority of complaints concern housing.
- A representative of the Virginia Department of Education gave the annual report for the Migrant Education Program which Congress established to provide supplemental instruction and support services in health and nutrition for the children of migratory workers.
- The State Director for Telamon presented the annual report noting that the mission is to promote farmworker employment and training. The agency has been in operation since 1978.
- Sergeants from the Virginia State Police addressed the problem migrant workers were experiencing due to police confiscating driver's licenses and other forms of identification.
- The Executive Director of Design Corps, a non-profit organization specializing in design and architectural services, provided information on a program developed to improve on-farm housing.
- The Chief Executive Officer gave the annual report for the Eastern Shore Rural Health System, a community/migrant health center, which provides quality, accessible and affordable health care.
- The Coordinator of Agricultural Labor Affairs from the U.S. Department of Agriculture presented information on legislation currently being considered by Congress and the guest worker program under consideration by Mexico

and the U.S. and the outlook for the agricultural labor market.

- The Executive Director for Rural Family Development presented information from the annual report and stated that through the Virginia Council of Churches they operated four Migrant Head Start centers between April and November and served 300 children.
- Written annual report information was provided by NCALL Research which assists nonprofit organizations on the Delmarva Peninsula in developing decent and affordable housing for low to very low-income families including the farmworker population.
- The Deputy Director of the Department of Medical Assistance Services (DMAS) provided information on the eligibility guidelines for FAMIS, the Family Access to Medical Insurance Security Plan, and noted that most migrant workers qualify for Medicaid rather than FAMIS.
- The State Director for Telamon requested endorsement of their farmworker program to the Governor and indicated that farmworkers as well as other workers can obtain their core services.
- The Child Care Program Manager from the Department of Social Services provided information on a statewide child care needs assessment which the department is preparing.
- The Migrant Health Coordinator for the Nelson County Migrant Summit presented annual report information. Twice each year a summit on migrant farmworker wellbeing is held for all interested agencies and individuals where information is exchanged so that referrals for services are not duplicated.
- Governor Warner appointed thirteen new Board members and an installation was held by the Secretary of the Commonwealth's office.
- The Chief of State Plans and Projects for the Department of Emergency Management provided disaster plan information and noted that most states develop programs along federal guidelines with no distinctions about eligibility.
- A Senator from the Virginia General Assembly spoke of the lack of people to perform agricultural work and the contribution to the economy by undocumented workers. He favored legal status adjustment as a means of protection and obligation to state and federal law.

Area Councils

There are seven migrant and seasonal farmworker area councils in the Commonwealth: the Albemarle Regional Migrant Advisory Council, the Eastern Shore Migrant Farmworkers Service Council, the Harrisonburg Area Hispanic Services Council (Migrant Subcommittee), the Migrant Health Network (Southwest Virginia), the Nelson County Summit, the Rappahannock Migrant and Seasonal Workers Council, and the Winchester Migrant Services Council.

The area farmworker councils meet on a regular basis to share information, coordinate activities and projects, discuss and resolve local problems, and serve as a valuable link between the Board and farmworkers, agricultural employers and service agencies throughout the Commonwealth.

Twenty organizations, employers, and volunteers actively participated in biannual meetings of the Nelson County Migrant Summit to review successes and challenges, exchange resource information, and plan collaborative events for migrant and seasonal farmworkers. The meetings focused on listing churches with services in Spanish; ways to facilitate obtaining a Virginia driver's license; translation of school forms for free lunch and insurance; transportation; housing; healthcare; and employment.

The Rappahannock Migrant and Seasonal Worker Council for the past two years has addressed the issues of worker housing and health services and migrant family daycare. They assisted in coordinating medical services to migrant families and worked with the local adult education program to promote English as a Second Language classes.

The Migrant Health Network (MHN) with a staff of three outreach workers served 693 farmworkers during 2002. Among the services provided were health education, mobile health and dental clinics, a health fair, and vision and prenatal services.

The Harrisonburg Area Services Hispanic Services Council has focused on increasing access to interpreters by developing training for service providers. This training has been presented in more than twenty venues. They now provide their community directory in Spanish.

The Eastern Shore Migrant Farmworkers Service Council held a conference to address the federal law which requires agencies to make their services accessible to people of limited English proficiency (LEP). Their system expanded services to include a dentist. They noted housing demands continue to exceed the supply.

Board Actions, Discussions, and Ongoing Projects

- The Board discussed the problem migrant workers encountered with transferring funds to their home countries; reviewed information; and made many inquiries with a national grocery chain and other possible providers to determine an economic and trouble-free method to transfer funds.
- The Board made a recommendation to the Department of Motor Vehicles that a Spanish version of the Driver's Manual be placed on their Web site.
- The Board heard a report from an Assistant DMV Commissioner regarding the surrender and seizure of driver's licenses as governed by the Driver's License Compact Agreement.
- Through a State Senator, the Board voiced its support of a study of immigrants in Virginia.
- The DOLI Commissioner reported to the Board on the information he had received on his request to state agency representatives on the Migrant Policy Committee in response to complaints from a representative of the Virginia Justice Center for Farm and Immigrant Workers.
- The Board corresponded with the Governor and General Assembly to request a child labor study.
- The Board wrote a letter to the former Board Administrator thanking her for her service and dedication.
- As a result of discussions with State Police regarding confiscation of driver's licenses and other identification documents, the State Police began a statewide review of the practice.
- A representative from the U.S. Secretary of Labor, Office of Congressional Intergovernmental Affairs, told the Board that his office is reviewing ways to improve the guest worker program.
- The Board sent letters to the Governor in support of the services that Telamon provides to Virginia farmworkers and their grant application for housing development in the Northern Neck and Southside.
- The Board sent a letter to the Service Councils requesting that they become familiar with their local disaster plan.
- Through contact with a State Delegate's office and a representative of the Department of Health (DOH), the problem migrants were having in getting copies of birth certificates was investigated. As a result, a method to

facilitate the process was undertaken by DOH.

Miscellaneous

- Opportunities for public comment were provided at each Board meeting.

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AGENCY SERVICES FOR MIGRANT WORKERS

Virginia Department of Agriculture and Consumer Services (VDACS)

The mission of VDACS is to promote the economic growth and development of Virginia agriculture, encourage environmental stewardship and provide consumer protection.

To protect farmworkers from pesticides, VDACS's Office of Pesticide Services is charged with ensuring that agricultural workplaces comply with the federal Worker Protection Standard. This federal regulation provides MSFWs and other agricultural workers with safeguards against pesticide exposure by requiring agricultural employers to provide workers with pesticide safety training, information about pesticide applications, decontamination supplies, and personal protective equipment. VDACS also helps the agricultural industry to comply with the federal Worker Protection Standard by working with Virginia Cooperative Extension, grower associations, and others to provide compliance information and educational materials to producers and pesticide applicators. In this way, migrant workers are protected by VDACS from unnecessary exposure to pesticides.

The agency's Office of Consumer Affairs is available to all Virginia consumers, including MSFWs, to provide protection against fraudulent, deceptive and illegal practices. Any worker needing assistance or advice concerning a consumer purchase can contact the Office of Consumer Affairs using the consumer hotline at 1-800-552-9963.

Each year the agency's Office of Commodity Services, which administers the distribution of USDA donated foods, distributes USDA donated commodities to eligible summer feeding programs in Virginia, including those that feed children of migrant and seasonal farmworkers. During the summer of 2002, donated commodities were used in providing approximately 32,000 meals for children of migrant workers in Accomack and Northampton counties.

Virginia Department of Environmental Quality (DEQ)

The Department of Environmental Quality does not provide services to migrant and seasonal farmworkers directly, although it does have an indirect impact on MSFW living and work environments.

DEQ issues permits and performs regular inspections of wastewater treatment facilities and other facilities to ensure that they are operated with public health and safety in mind.

Virginia Department of Health (DOH)

The Virginia Department of Health is in charge of controlling public health threats to all of Virginia. Regulating migrant labor camps is an important part of this responsibility. Since an outbreak at a camp potentially affects the public health of the entire state, it falls within DOH's domain to ensure healthy living conditions for workers and their families while they are employed and living in Virginia.

Essential to this are safe and adequate drinking water and the proper disposal of sewage. The Occupational Safety and Health Administration and the State Board of Health have set standards for hazardous material storage, building and structure construction, and the handling of solid waste, in addition to regulating water supplies and sewage disposal. In pursuing compliance with these standards, state law requires camp operators to apply for a permit to operate a migrant labor camp. Application should be made to the local health department in the area where the camp is located.

Once a permit application has been received, an environmental health specialist performs a preoccupancy inspection of living quarters, kitchen and dining areas, water and sewage facilities, and the surrounding environment.

Growers found to be in compliance are issued a permit, although they continue to be monitored. These growers are subject to unannounced health inspections while camps are occupied. Growers with serious violations are ordered to take immediate action; those with less severe infractions are given more time.

In addition to regulating the health aspects of migrant labor camps, local health departments provide other health services to the migrant population. Specifically, Virginia's local health departments identify diseases early. They spot trends and introduce preventive strategies to reduce the occurrence of infections and chronic disease. Individuals and groups receive education and services promoting good nutrition, prevention of unintended pregnancies, child safety techniques, and immunizations. When a migrant becomes ill or injured, an emergency medical system and high quality health care facilities are available. Many migrants receive some type of medical care directly from health departments. For example, prenatal services, dental services or treatment for AIDS or tuberculosis (TB) are provided.

Virginia Department of Rehabilitative Services (DRS)

It is the goal of the Department of Rehabilitative Services to improve the lives of the disabled (including MSFWs) by helping them to gain full inclusion into society. This means maximizing their independence, which involves helping to make it possible for them to be employable. "Rehabilitation" means to restore to useful life through

education and therapy. In other words, it means to teach people to be productive despite serious obstacles, in this case, disabilities. The agency also seeks to adapt the environment to be more user-friendly to such individuals.

Every Virginia locality, urban and rural, is covered by DRS's four divisions: Central Office, Consumer Services, Disability Determination Services, and the Woodrow Wilson Rehabilitation Center. A farmworker who becomes disabled while temporarily residing in Virginia is an example of a person who could be serviced by the DRS.

First, this person would be eligible for a physical and/or psychological examination to determine the extent of the disability, and the potential for improvement. If necessary, medical, surgical or hospital care would be provided.

Once this person is in a position to deal with the business of becoming re-employed, a vocational evaluation would identify his/her skills. Next, job counseling would be made available, followed by vocational training. Then, perhaps maintenance and transportation during the training would be offered and, finally, job placement services, which might include follow-up to make sure there is a good adjustment to the new job.

Beyond medical and vocational support, special services are also offered to make life a little easier during this difficult transition time. For example, interpreting and note taking for the deaf is available, as well as the providing of occupational licenses and tools.

Virginia Department of Alcoholic Beverage Control (DABC)

The Department of Alcoholic Beverage Control does not serve MSFWs in a direct way. However, there can be some circumstances, such as the illegal sale or handling of alcoholic beverages, which would fall under the purview of this department.

The DABC is a regulatory agency which controls the sale of alcoholic beverages through licenses and allows the manufacture, bottling, sales, advertising and transportation of alcoholic beverages. The department also operates state stores for the sale of beverages other than beer to consumers and licensees.

Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services (DMHMRAS)

The Department of Mental Health, Mental Retardation and Substance Abuse Services operates 15 state mental health and mental retardation facilities and also administers public community mental health, mental retardation, and substance abuse services provided by community services boards (CSBs), behavioral health authorities, or local government departments with policy-advisory CSBs. These community-based organizations function as the single points of entry into the public mental health, mental retardation, and substance abuse services system, including access to needed state

mental health and mental retardation facility services. CSBs also perform as service providers; advocates for consumers and individuals in need of services; community educators, organizers, and planners; advisors to the local governments that established them; and the primary focus of programmatic and financial accountability.

CSBs are not part of the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services. The Department funds, monitors, licenses, regulates, and provides consultation to CSBs which are key operational partners with the Department and its state facilities in Virginia's system of public mental health, mental retardation, and substance abuse services.

Currently, 40 CSBs provide services to residents of all 134 cities or counties in Virginia. CSBs exist to provide individualized, effective, flexible, and efficient treatment, rehabilitation, and prevention services in the most accessible and integrated yet least restrictive settings possible to improve the quality of life for people with mental illnesses, mental retardation, or alcohol or other drug addiction (dependence) or abuse. CSBs draw upon all available community resources and support systems, such as family, friends, co-workers or school mates, to ameliorate the effects of mental disabilities and substance addiction or abuse problems; to encourage growth and development; to support recovery; and to assist in attaining full potentials.

Community services are provided through a diverse network of CSBs and their directly operated and contractual services. Community services boards offer varying combinations of six core services: emergency, local inpatient, outpatient and case management, day support, residential, and prevention and early intervention. Core services are defined in the Core Services Taxonomy 6, available on the Department's Web site, www.dmhmrzas.state.va.us.

Virginia Department of Medical Assistance Services (DMAS)

The Department of Medical Assistance Services administers the Medicaid program in Virginia. Medicaid is a medical assistance program available to U.S. citizens or legal aliens under Title XIX of the Social Security Act. Eligibility is available to low-income persons who are aged, blind, or disabled, as well as children and adults with children. Aliens who do not qualify for full Medicaid benefits due to their alien status may be eligible for Medicaid coverage of emergency services if they meet all other Medicaid eligibility requirements. The Virginia Medicaid program also covers "grandfathered" groups with state-only funds: (1) aliens who were receiving Medicaid and residing in long-term care medical facilities or receiving Medicaid home and community-based waiver services on June 30, 1997, who were eligible for full Medicaid benefits on June 30, 1997, and who continue to be eligible for full benefits; and (2) aliens under the age of 19 years who would be eligible for full Medicaid benefits if the alien requirements prior to July 1, 1997, were still in effect. In eligibility determination, residency is currently considered for non-institutionalized adults as the State where the individual is living with the intent to remain permanently or indefinitely or living and entered for employment, whether employed or not.

Virginia's Title XXI program, FAMIS, provides health insurance coverage for children under the age of 19 whose family income does not exceed 200% of poverty. The FAMIS citizenship/alien age requirements are the same as for Medicaid; however, FAMIS has no grandfathered groups, nor does it provide coverage of emergency services only for children who do not qualify for full benefits under FAMIS.

DMAS currently offers two managed care programs. Medallion is a primary care case management program. Each recipient has a primary care physician who provides services to the recipient and coordinates care. The second program is Medallion II which is a capitated managed care program. Medallion II was created for the purposes of further improving access to care, promoting disease prevention, ensuring quality care, and reducing Medicaid expenditures. The program requires mandatory enrollment into a contracted Managed Care Organization (MCO) for certain groups of Medicaid recipients. It has provided the Commonwealth with the most value per taxpayer dollar for the provision of high quality health care and provides an integrated, comprehensive delivery system to recipients.

Under federal law, migrant and seasonal farmworkers who are enrolled in the Medicaid program are entitled to medical coverage. DMAS provides reimbursement for a broad range of medical services. The coverage for the enrollees includes inpatient and outpatient hospital services, emergency room services, nursing facility services, physician services, hospice services, laboratory and x-ray services, transportation, mental health and mental retardation services, podiatry services, physical therapy and related services, prescribed drugs, and case management services.

Virginia Department of Social Services (DSS)

Local offices of the Department of Social Services make a range of services available to those deemed eligible, including migrant and seasonal farmworkers. Such services comprise Temporary Assistance to Needy Families (TANF), food stamps, Medicaid, State and Local Hospitalization (SLH), and General Relief. Eligibility for all services is determined through local DSS offices.

TANF provides direct financial help to needy families with children. Assistance is provided to income-eligible citizens or legal aliens for single-parent and two-parent families in which both parents are unemployed, or if the principal wage earner is underemployed according to federal guidelines.

Food stamps are provided to income-eligible persons and families for the direct purchase of food and related nutritional products. Most migrant workers meeting income criteria are eligible for expedited food stamps. This means that the 30-day lead-in time is waived, and applications are processed immediately upon receipt.

SLH provides the payment of in-patient and outpatient hospitalization fees, ambulatory surgery and Health Department clinic visits for income-eligible persons. On the Eastern Shore, limited funds are available to migrant workers for the payment of tolls on the Chesapeake Bay Bridge-Tunnel. These funds are made available by the Chesapeake Bay Bridge-Tunnel Authority for those requiring medical assistance across the Bay. The funds are administered through the Departments of Social Services in Accomack and Northampton Counties.

General Relief is a one-time payment financial assistance program available to persons who confront emergencies or unexpected hardships. The program is available on the Eastern Shore, although it is optional and therefore not available at every location.

Virginia Workers' Compensation Commission (VWC)

The Workers' Compensation Commission administers the Virginia Workers' Compensation Act. Workers' compensation is a no-fault system providing medical and wage indemnity benefits to eligible employees whose injury or occupational disease "arises out of and in the course of employment." Other benefits available include vocational rehabilitation, indemnity for the loss of use of a scheduled body member, and death benefits paid to dependents.

Generally, farm or horticultural laborers are covered when the farm regularly employs more than two full-time employees. Migrant workers, whether lawfully or unlawfully employed, can be eligible for workers' compensation benefits. However, once medically released to return to work, an illegal alien may not be eligible for wage indemnity benefits or vocational rehabilitation services if the injured employee is not eligible for lawful employment.

When claims or benefits are disputed, the VWC conducts hearings at one of its six offices or at other convenient hearing locations throughout the Commonwealth. Although the Commission does not provide interpreters for any language, the use of interpreters in Commission proceedings is welcomed when necessary.

The Ombudsman's office provides assistance to employees and employers, ranging from answering questions about claims to providing informal dispute resolution and mediation services. In addition, the VWC has an informative and helpful Web site (<http://www/vwc/state.va.us>) that includes guides and forms for employees and employers. The Workers' Compensation Notice (Form VWC1) advising workers of their rights under the Virginia Workers' Compensation Act, and required to be posted by employers under the Act, is published in Spanish and is available by request from the Commission or through its Web site.

The VWC also administers the Criminal Injuries Compensation Fund (CICF), which could provide benefits to migrant workers who are victims of violent crimes. Additional information about CICF and benefits available under the Compensating Victims of Crime Act are available through the agency's Web site.

Virginia Department of Housing and Community Development (DHCD)

Unlike other employers, Virginia growers provide housing for their workers. With modest revenues, they are finding this difficult. Some relief had been available to growers from DHCD through the Virginia Housing Partnership Revolving Fund. Besides funds made available to growers, DHCD provides funding to the communities of these farms for needs peripherally related to the housing issues of MSFWs. Since a farm cannot stay in business without sustaining its labor force, funding for housing (and related needs) is vital to a grower's ability to continue producing and harvesting crops.

DHCD is virtually the only source of state funds available to growers for help with farmworker housing conditions. In the form of grants and/or low-interest loans, the funds go toward either improving or building housing ("rehab" and "new," respectively). For example, in 1990, there was a one-time distribution of approximately \$700,000 directly to Virginia's growers. The Department recommended that \$1 million be appropriated to be used exclusively for farmworker housing during FY 1998; however, no funds were allocated. Without these loans and grants, it is entirely possible that there will be little or no funds available for "new" or "rehab" projects.

Virginia Department of Labor and Industry (DOLI)

The Virginia Department of Labor and Industry has a central office in Richmond and four regional offices throughout the state. This department enforces compliance with the Virginia Occupational Safety and Health (VOSH) Law, which provides job safety and health protection for workers, including MSFWs. Within VOSH, the Virginia Safety and Health Codes Board promotes and adopts job safety and health standards that employers and their employees are expected to follow.

Compliance staff ensure field sanitation requirements are met and, through an agreement with the Virginia Department of Health, assure that farm labor camps are maintained in compliance with standards. This is done through random inspection of farm camps and the processing and investigation of valid complaints regarding camp safety and health conditions. Local environmental health specialists in various geographical areas make bi-weekly inspections of occupied camps both prior to and during occupancy. All camp residents of any county are eligible for services.

In addition to obtaining information through random inspections, DOLI takes written and telephoned complaints. Written complaints are preferred, and both types of complaints should come from the employee or his/her representative. As long as the problem comes under the purview of OSHA, these complaints can expect follow-up from VOSH.

The Labor and Employment Law Division administers the state's labor laws, including minimum wage, payment of wages, child labor and right to work, among others. In addition, the Virginia Department of Labor and Industry provides staff support for the Virginia Migrant and Seasonal Farmworkers Board, and the Commissioner serves as Chairman of the Interagency Migrant Worker Policy Committee.

Virginia Employment Commission (VEC)

The Virginia Employment Commission is one of the main focal points for both migrant and seasonal farmworkers (MSFWs) and for agricultural employers seeking labor. Its primary responsibility lies in making employment-related matches between those who offer jobs, and those seeking work in agriculture and in non-agricultural employment. The VEC also assists qualified crew leaders to register with the US Department of Labor under the provisions of the Migrant and Seasonal Agricultural Worker Protection Act.

Under the Workforce Investment Act of 1998 (WIA), the VEC has joined other WIA partners to build a statewide system of One-Stop Centers. Through these centers, most of which have VEC staff and services available, and through other stand-alone VEC field offices, the Virginia Employment Commission maintains an extensive program to provide appropriate employment-related services to MSFWs. Statewide coverage for farmworkers is provided through, and managed by, nine field offices staffed by ten Farm Placement Specialists. Two field offices, one located at Winchester and one on the Eastern Shore at Onley, are federally designated as "MSFW Significant Field Offices" due to the especially large number of MSFWs they could potentially serve. The Onley Field Office registered and served 3,045 farmworkers for the program year ending June 2002.

Services are available in most offices in Spanish, both from VEC farm placement staff and through the agency's computerized job search system. Real-time interpreter and the professional translation services of "LanguageLine Services" (<http://www.language.com/>) are available electronically in all field offices and most operating units of the VEC. Improvements are continuously being made to serve jobseekers with limited English proficiency.

For the program year ending June 2002, of the estimated 16,686 MSFWs in Virginia (excluding H-2A workers) 3,266 were registered with the VEC for service, 2,790 were referred to a job, and 2,276 found jobs through its program.

Virginia Department of Education (DOE)

Virginia's educational reform consists of four major elements: high academic standards; measuring student achievement; ensuring the accountability of schools for increasing student achievement; and communicating with parents and the community at large. The purpose of the Migrant Education Program (MEP) is to design and support high-quality and comprehensive educational programs that provide migratory children with the same opportunity to meet the challenging state academic content and student achievement standards that are expected of all children. Federal funding is dependent upon timely identification and recruitment of eligible migratory students within the state.

Services are provided to approximately 3,500 migratory students around the state through eight (8) local and regional programs (see chart). Priority for services goes to migratory children who are failing, or most at risk of failing, to meet the Virginia Standards of Learning (SOL), and whose education has been interrupted during the regular school year. Strategies for providing services vary to match the needs of the population, availability of other programs and services, and fiscal resources of the MEP. Depending upon the seasonal changes and the amount of migratory students in school divisions, programs are offered year-round and/or during the regular or summer term sessions. Supplemental services may include but are not limited to: ESL instruction, computer literacy classes, family literacy, GED preparation, and outreach/advocacy work to increase the quality of nutritional, health and dental care.

Tutorial services are provided in each program based upon the needs of the children and the resources available to the school division. Migrant programs supplement services provided through the school division to assure migrant children are successful in school.

The programs are designed to: 1) identify, enroll, and serve all eligible migratory students in the Commonwealth; 2) support high-quality and comprehensive educational programs for migratory children to help reduce the educational disruptions and other problems that result from repeated moves; 3) ensure that migratory children who move among the States are not penalized in any manner by disparities among academic content and student academic achievement standards; 4) ensure that migratory children are provided with appropriate educational services (including support services) that address their special needs in a coordinated and efficient manner; 5) ensure that migratory children receive full and appropriate opportunities to meet the same challenging state academic content and student academic achievement standards that all children are expected to meet; 6) design programs to help migratory children overcome educational disruptions, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit their ability to do well in school, and to prepare them to make a successful transition to postsecondary education or employment; and 7) ensure that migratory children benefit from state and local systemic reforms.

Virginia Migrant Education Program Directory

COORDINATOR	LOCATION	SCHOOL DIVISIONS SERVED Services vary within each locality.	TELEPHONE / E-MAIL
Mark Nowak	Accomack	Accomack County	(757) 787-5754 mnowak@sbo.accomack.k12.va.us
Sharon Root	Albemarle Regional	Albemarle, Augusta, Culpeper, Greene, Madison, Orange, & Rockbridge Counties; Charlottesville and Waynesboro Cities	(434) 296-5888 root@albemarle.org
Howard Amoss	Southwest VA Regional (Carroll)	Carroll, Patrick, Floyd, Grayson, & Pulaski Counties; City of Galax	(276) 728-3191 hamoss@ccpsd.k12.va.us
Laly E. Westendorf	Colonial Beach Regional	Colonial Beach, Westmoreland, & Richmond Counties	(804) 224-9897 west@crosslink.net
Phyllis Drumheller Veronica Donahue	Nelson Regional	Pittsylvania, Halifax, Nelson, Buckingham, & Amherst Counties	(434) 263-5897 (434) 263-8317 verodonahue@hotmail.com
Annette Gray	Northampton	Northampton County	(757) 678-8004 agrav@sab.ncps.k12.va.us
Linda Staylor Elsa Miller	Nottoway Regional	Prince Edward, Cumberland, & Nottoway Counties	(434) 645-9596 staylor23922@yahoo.com (434) 292-5000 nottowaymigrant@meckcom.net
Anita Warner	Shenandoah Valley Regional (James Madison University)	Frederick, Clarke, Page, Rockingham, Rappahannock, & Shenandoah Counties; Harrisonburg and Winchester Cities	(540) 568-3666 warneram@jmu.edu

Additional Contact Persons:

George Irby, Director of Compensatory Programs 804-225-2869
girby@mail.vak12ed.edu

Patience Jones, Migrant Education State Director 804-371-7579
pjones@mail.vak12ed.edu

Katy Pitcock, Support Services Specialist 540-568-7391
pitcockx@jmu.edu

Renee Abney, Data Entry Specialist 757-787-2782
abknee@olc.accomack.k12.va.us

Virginia Cooperative Extension Service (VCE)

The aim of the VCE is to help solve agriculture-related problems and promote educational programs to foster more productive lives, families, farms and forests, as well as a better environment. These efforts are directed to both businesses and private individuals. Agricultural Extension Agents located in 107 offices throughout the state provide useful information, guidance and assistance to all citizens, including growers and consumers.

Virginia Department of Motor Vehicles (DMV)

The goal of the Virginia Department of Motor Vehicles is to accommodate all customers as efficiently and pleasantly as possible. Toward this goal, the DMV makes special efforts for the needs of foreign-born customers, including MSFWs.

For example, many DMV offices in Northern Virginia, Richmond and Tidewater have bilingual customer service representatives (English/Spanish). These employees provide free, in-person translation services when needed. Spanish-speaking employees are also available on the telephone (in the Customer Contact Center).

In addition to bilingual service representatives, special options are available for the Driver's License Knowledge Test. This can be administered by computer or telephone on a system known as KATS (Knowledge Automated Test System). If the applicant chooses to take an oral test, the telephone is used in the preferred language; if the computer is chosen, questions are displayed on the screen and answered on a keypad.

In the event that the KATS is not a viable option, DMV has a printed version of the test in both English and Spanish. Migrant and seasonal farmworkers may bring in translators to assist with other languages. The 2002-2003 Virginia Driver's Manual was made available in Spanish.

Virginia Department of Business Assistance (DBA)

The Virginia Department of Business Assistance serves as the principal point of contact between state government and basic employers in the Commonwealth. The DBA supports migrant workers indirectly through programs designed to assist firms employing this transient workforce.

Each of the agency's four divisions is charged with unique responsibilities directed at benefitting businesses of all sizes. The services offered, some of which are workforce related, are primarily those that permit management to operate most effectively. For example, the Division of Workforce Services offers a Train-the-Trainer Program that

equips full-time employees to administer custom-designed training programs that often benefit migrant workers. Apple processing operations in the Winchester area have been among the beneficiaries of the program.

The Division of Small Business Financial Services has made financing available to firms employing workers, while the Division of Small Business Development assists companies by offering management, financial and technical advice through 25 offices located throughout the Commonwealth.

The Division of Existing Industry Development uses a corps of retired business executives as field representatives. It is their responsibility to keep a “finger on the pulse” of business activity throughout the state. The “reps” keep decision makers within the business community apprised of both public and private sector resources which could benefit their operations. Utilizing the wealth of intelligence gathered by the field representatives, the Division regularly introduces Virginia companies to other companies for their mutual benefit. Division project managers also play the critical role of ombudsmen, intervening on the behalf of companies that find themselves in conflict with state government. Finally, a primary goal of the Division is to identify and remedy impediments to doing business in Virginia.

SIGNIFICANT ACTIVITIES

The Interagency Migrant Worker Policy Committee held three meetings during 2000 and three meetings during 2001. The activities undertaken by the Committee include the following:

1. **DMV Spanish Driver’s License Manual** – As a result of a request by the Migrant Policy Committee, DMV completed the translation of the Driver’s License Manual to Spanish and made available the online version in September 2002 and the printed version in October 2002.
2. **Funds Transfer System** – The Committee researched and pursued a safe and economical means for migrant workers to transfer money back to their respective countries. Bank of America now has a system in place to handle these transfers.
3. **DMAS Broadcast Clarification** – The Committee requested a DMAS representative knowledgeable on Medicaid issues speak to the members because of problems in determining who was eligible for Medicaid. As a result, DMAS issued a broadcast to all Department of Social Services offices to clarify who could apply for Medicaid.
4. **Miscellaneous Activities and Discussions** - The Committee reviewed and discussed several other topics during the year. These included the ongoing problem of confiscation of drivers’ licenses by State Troopers and other police

officers; Health Department changes on the regulations for construction of migrant labor camps; the continued growth and strength of the Hispanic population in Virginia and the nation; U.S. Department of Labor, Wage and Hour and Migrant and Seasonal Agricultural Worker Protection Act compliance; wages and overtime problems in the Christmas tree industry in Southwest Virginia; Governor Warner's first Latino summit; JLARC's consideration of consolidating the MSFW Board and the Migrant Policy Committee; and allegations of problems with wages and lack of provision for non-English speaking migrants made by the Virginia Justice Center.

CONCLUSIONS AND RECOMMENDATIONS

The Board and the Interagency Migrant Worker Policy Committee have been increasingly challenged to handle the wide range of issues relative to farmworkers. There are continued, growing similarities in the needs and concerns of migrant and seasonal farmworkers, H-2A farmworkers, and H-2B (non-agricultural, although may be agricultural-related) workers. Immigration-related issues such as program access, translation/interpretation services, safety, health, welfare, housing, employment, transportation and education transcend farmworkers and continue to expand, as does Virginia's immigrant population.

The Board and the Policy Committee wish to thank the numerous state, federal and private agencies for their assistance, cooperation and dedication in identifying problems and addressing the needs of the Commonwealth's migrant and seasonal farmworkers. Through continued coordination and communication, it is the Board and the Policy Committee's ongoing objective to contribute to the enhancement of the Commonwealth's agricultural economy.

Based on their ongoing meetings, site visits, public comments, and area council reports, the Board and Policy Committee make the following recommendations to the Governor and General Assembly:

1. The need for immigrant workers is expanding and is currently being met by increased numbers of undocumented workers resulting in a possible threat to security. A program to allow workers legal entry is necessary. It is recommended that the Governor and General Assembly support a guest worker program that meets the needs of both farmworkers and employers without threatening security.
2. The issue of serving the customer with Limited English Proficiency (LEP) has consistently remained an item of interest to both the Board and the Committee. State agencies receiving federal funding must comply with Title VI of the Civil Rights Act of 1964 and will be receiving guidance from their federal counterparts on serving the LEP customer. Until further guidance is received, the Board and the Committee strongly recommend that state agencies be encouraged to provide reasonable program access and translation services to farmworkers and other LEP Persons seeking government services in the Commonwealth.
3. The need to construct and improve migrant and seasonal farmworker housing throughout the Commonwealth has been documented in recent statewide housing and economic impact studies, as well as reports from areas experiencing agricultural growth, such as the Northern Neck. It is recommended that funds be appropriated to the Virginia Department of Housing and Community Development to administer a low-interest loan program for construction and rehabilitation of migrant and seasonal farmworker housing. In addition the Board

recommends that migrant and seasonal farmworker housing be included on the agenda for the Governor's Housing Conference.

4. It is recommended that the General Assembly undertake a study to identify the needs of immigrant workers in Virginia. The study should include the needs of all immigrant workers including both agricultural and non-agricultural.

